

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1998.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

#### § 180.482 [Amended]

2. In § 180.482, by amending paragraph (b) in the table, for the commodities "Leafy vegetable (Colebrassica)," "Leafy vegetables (non-brassica)," and "Turnip tops" by removing "2/28/98" and by adding in its place "2/28/99".

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 180

[OPPTS-300601; FRL-5764-7]

RIN 2070-AB78

#### Fludioxonil Pesticide Tolerance; Deletion of Duplicate Tolerance, Technical Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is issuing a technical amendment to the tolerance regulations for Fludioxonil issued under section 408(e) and (l)(6) of the Food, Drug and Cosmetic Act.

**DATES:** This technical amendment is effective March 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** By mail: Mary L. Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC. Office location, telephone number and e-mail address: Crystal Mall #2,

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**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of August 1, 1997 (61 FR 41286; FRL-5732-5), EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e) and (l)(6), established a time-limited tolerance for residues of fludioxonil on potatoes at 0.02 parts per million (40 CFR 180.512). Subsequently, on October 29, 1997, EPA issued a rule establishing a permanent tolerance for fludioxonil on potatoes in response to a petition submitted by Ciba-Geigy requesting the tolerance (40 CFR 180.516). Through oversight, tolerances have been established for residues of fludioxonil on potatoes in two different sections of 40 CFR part 180. Tolerances for fludioxonil now appear in both §§ 180.512 and 180.516. In addition, the tolerance level is exactly the same in both sections. Since § 180.512 is time-limited and expires on August 1, 1998, and since that tolerance was established on the Agencies initiative, EPA is removing § 180.512. Also, EPA is revising the section title for § 180.516 and paragraph (a) to add the common name of the fungicide.

#### I. Regulatory Assessment Requirement

This is a technical amendment to a final tolerance regulation issued under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This technical amendment does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety

Risks (62 FR 19885, April 23, 1997). In addition, since this type of action does not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) do not apply.

#### II. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1998.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

#### § 180.512 [Removed]

2. By removing § 180.512.

#### § 180.516 [Amended]

3. In § 180.516 by revising the section title and paragraph (a) to read as follows:

#### § 180.516 Fludioxonil; tolerances for residues.

(a) *General.* A tolerance is established for residue of the fungicide fludioxonil, [4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile], in or one the following food commodities:

Commodity	Parts per million
Potatoes .....	0.02
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